

Amendment No. 2 to HB1804

**Stewart
Signature of Sponsor**

AMEND Senate Bill No. 1764

House Bill No. 1804*

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as a new section:

(a) The Tennessee peace officer standards and training commission shall develop and disseminate guidelines and training for law enforcement officers on the racial and cultural differences among the residents of this state. The guidelines shall stress understanding and respect for racial, identity, and cultural differences, and development of effective, non-combative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment. In developing the training, the commission shall consult with appropriate groups and individuals having an interest and expertise in the field of racial, identity, and cultural awareness and diversity.

(b) All law enforcement officers shall participate in a course of basic training, which must include adequate instruction on racial, identity, and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups.

(c) The curriculum of the training required by subsection (b) must be evidence-based and shall include and examine evidence-based patterns, practices, and protocols that make up racial or identity profiling, including implicit bias. This training must prescribe evidence-based patterns, practices, and protocols that prevent racial or

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identity profiling. The training must include, but not be limited to, significant consideration of the following:

- (1) Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community;
 - (2) Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest, detention, incarceration rights, and wrongful convictions;
 - (3) The history and role of the civil and human rights movement and struggles and their impact on law enforcement;
 - (4) Specific obligations of law enforcement officers in preventing, reporting, and responding to discriminatory or biased practices by fellow law enforcement officers;
 - (5) Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area; and
 - (6) The prohibition against racial or identity profiling in subsection (e).
- (d) Once the initial training is completed, each law enforcement officer is required to complete four (4) hours of refresher training every two (2) years thereafter, or on a more frequent basis if deemed necessary, in order to keep current with changing racial, identity, and cultural trends. This refresher training must include the

understanding of implicit bias and the promotion of bias-reducing strategies to address how unintended biases in decision-making may shape behavior and produce differences in treatment along lines of race, ethnicity, gender, gender identity, sexual orientation, socioeconomic status, or other characteristics. This training must include implicit association testing before and after the training, the results of which are for self-understanding only and shall be disclosed only to the person taking the test.

(e) Law enforcement officials in this state are prohibited from engaging in racial or identity profiling.

(f) As used in this section:

(1) "Cultural diversity" includes, but is not limited to, disability, gender, nationality, religion, and sexual orientation issues; and

(2) "Racial or identity profiling" means the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.